

DRAFT 10-19-20

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~strike throughs~~ indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

SECTION 1. Amend Article 3, “Definitions, Terms and Measurement and Calculations: as follows:

Section 25.03.02 – Words and Terms Defined

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Breezeway: A covered passage way, which may be enclosed or unenclosed, for the purpose of providing a connection from the main dwelling to an accessory building. No portion of the breezeway may be constructed in a way that could be interpreted to provide a common wall between the main building and the accessory building.

Section 2. Amend Article 9, “Accessory Uses; Accessory Buildings and Structures; Encroachments; Temporary Uses; Home-Based Business Enterprises; Wireless Communication Facilities” as follows:

25.09.02 – Accessory Structures

Requirements – Accessory structures must be customarily associated with and clearly incidental and subordinate to a legally established principal structure. Such structures cannot be attached to the main building by any part of a common wall or common roof except as set forth in Section 25.09.03.a.2(h). Uses within accessory structures must comply with the applicable provisions of Section 25.09.01, above.

25.09.03 – Accessory Buildings and Structures

a. *Residential Accessory Buildings and Structures*

1. Residential accessory buildings and structures are subject to the following development standards:

Development Standards for Residential Accessory Buildings and Structures							
Zone	Minimum Setback Requirements				Maximum Rear Yard Building Coverage	Maximum Height at Minimum Setback Not to Exceed ¹ (see sub-section 2(a) below)	Maximum Footprint of All Accessory Buildings (See Sec. 2(b) below)
	Front	Side		Rear			
		Side - Street Abutting					
R-400	All accessory buildings must be located in the rear yard except as provided in Sec. 25.09.03.a.2(g)	30'	3'	3'	15%	12'	
R-200		25'	3'	3'	25% 15%	12'	
R-150		30'	3'	3'	15%	12'	
R-90		20'	3'	3'	25%	12'	1,000 sq. ft.
R-75		20'	3'	3'	25%	12'	1,000 sq. ft.
R-60		20'	3'	3'	25%	12'	1,000 sq. ft.
R-60 (Qualifying Undersized Lot)		20'	3'	3'	25%	12'	1,000 sq. ft.
R-40		20'	3'	3'	25%	12'	1,000 sq. ft.

¹ The height of an accessory building or structure is measured from the finished lowest point of the finished grade at the front location of the building to the highest point of the roof. Additional height may be allowed in conformance with Section 25.09.03.a.2(a), below.

2. Residential accessory buildings are limited to one story and are subject to the following additional provisions:
 - (a) *Accessory Buildings and Structures Greater than 12' High* - Accessory buildings and structures that exceed 12 feet in height must be set back from all lot lines an additional three feet for each additional foot (or any portion thereof) of building height up to the maximum allowable height of 15 feet. Accessory buildings may exceed 15 feet in height, up to a maximum of 20 feet, if granted a waiver of the maximum height limitation by the Board of Appeals. The Board of Appeals must find that the waiver will not be contrary to the public interest. In no event can the height above 15 feet exceed the height to the peak of the main house.
 - (b) *Building Footprint Gross Floor Area* - The gross floor area cumulative building footprint of any all detached accessory buildings must not exceed ten percent of the minimum lot area in the R-40 and R-60 Zones; nine percent of the minimum lot area in the R-75 Zone; and eight percent of the minimum lot area in the R-90 Zone; and six percent of the minimum lot area in the R-150 Zone. No single accessory can have a gross floor area greater than 500 square feet. The maximum footprint of any one accessory building is 750 square feet and cannot exceed the footprint of the main building.

(c) Accessory buildings and structures that were constructed in conformance with the standards in effect at the time they were erected are considered conforming and may be modified, repaired, or replaced so long as they conform to the standards under which they were built except that they must maintain a minimum setback of three (3) feet from any property line.

(d) Historic Accessory Buildings

(i) Historic Contributing accessory buildings, located in a Historic District Zone are ~~exempt from the calculation of rear yard coverage per~~ subject to the provisions of Section 25.08.06.c.

(ii) For properties that include contributing accessory buildings, the maximum cumulative building footprint for accessory buildings may be increased by up to 20% if granted a waiver by the Board of Appeals. The waiver may be granted if it is demonstrated that (1) the contributing accessory building cannot be used for the desired purpose of the proposed accessory building; (2) the proposed accessory building is compatible with environmental features on the property, including significant trees; and (3) the proposed accessory building is compatible with the overall character of the neighborhood.

(e) *Accessory Buildings on Through Lots* – A through lot has no rear yard as defined in this Chapter. However, accessory buildings may be placed in the apparent rear yard, but must be set back from the street line at least the minimum front yard setback required in the zone. Within the area between the main building and the setback line, all of the requirements for accessory buildings, including setbacks, heights, and maximum lot coverage will apply.

(f) *Accessory buildings on corner lots* – Accessory buildings must be placed in the rear yard of a corner lot. The rear yard of a corner lot must meet the minimum rear yard setback from the lot line to the main building as set forth in the applicable zone.

(g) Connection to Main Building - An open, unenclosed breezeway with a length not exceeding 20 feet may connect a main building to one accessory building.

(h) Accessory Structures

i. Small open structures not exceeding a footprint of 100 square feet, such as gazebos, may be permitted with a ten-foot (10') setback in a yard abutting a street.

ii. An accessory swimming pool must be located in the rear yard. All portions of the pool must be set back at least three (3) feet from any lot line and comply with any provisions of Chapter 5 of this Code. ~~Such a swimming pool is not~~

~~subject to the maximum rear yard coverage requirements of subsection (c) above.~~

Section 3. Amend Article 10, “Single Dwelling Unit Residential Zones”, as follows:

25.10.05– Development Standards

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b. *Maximum Lot Coverage*

1. *Inclusion of Accessory Buildings* – Maximum lot coverage includes accessory buildings; however, historic accessory buildings structures, located in a Historic District Zone, are exempt from the calculation ~~of rear yard coverage pursuant to Section 25.09.03.1.2.~~

Section 4. Amend Article 13, “Mixed-Use Zones”, as follows:

25.13.08– Accessories

- a. All accessory uses within mixed-use zones must comply with the provisions of Article 9 of this Chapter.
- b. New accessory buildings in the MXT Zone constructed after [date of adoption] and located within a Historic District Zone are subject to the provisions of:
 1. Section 25.09.03.a.2(a); and
 2. Section 25.09.03.a.2(b), with the applicable cumulative building footprint being based on the zone with the largest minimum lot area that does not exceed the existing lot area of the property where the accessory building is located.
- c. Accessory buildings that were constructed in conformance with the standards in effect at the time they were erected are considered conforming and may be modified, repaired or replaced so long as they conform to the standards under which there were built, except they must maintain a minimum setback of three (3) feet from any property line.

NOTE: ~~Strikethroughs~~ indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance